


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| | | |
|----------------------------------|---|--|
| In re Application of: |) | Docket No. DN2002-053 |
| Michael Lester Kerns, et al |) | Art Unit: 1713 |
| For: SYNTHESIS OF FUNCTIONALIZED |) | Examiner: C. Caixia Lu |
| HIGH VINYL RUBBER |) | |
| Serial No.: 10/669,223 |) | I hereby certify that this correspondence is being |
| Filed: September 24, 2003 |) | facsimile transmitted to the United States Patent and |
| | | Trademark Office to Fax Number (571) 273-8300 on |
| | | October 4, 2005. |
| | |  |
| | | Mary A. Nicoloff |

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW ABANDONMENT UNDER 37 C.F.R. §1.181

A Notice of Allowance for the above-identified patent application was mailed to the Applicants on June 8, 2005. On August 4, 2005, the issue fee for the subject patent application was paid by facsimile transmission of the Issue Fee Transmittal form (PTOL-85) to the United States Patent and Trademark Office (USPTO). Accordingly, the issue fee was paid before the deadline on September 8, 2005. However, the payment of the issue fee was not entered into the online Patent Application Information Retrieval (PAIR) system of the USPTO and to date still has not been entered. The Applicants were informed upon making an inquiry by telephone to the Office of Petitions that the subject patent application became abandoned for failure to pay the issue fee within three months of the mailing of date of the Notice of Allowance. The abandonment date of this application is believed to be September 8, 2005 (3 months from the mailing date of the Notice of Allowance).

The Commissioner is respectfully requested to withdraw the abandonment of the subject patent application and issue it as a patent. This request is being made because the Applicants paid the issue fee in a timely manner on August 4, 2005. The timely payment of the issue fee is evidenced by the Certificate of Mailing or Transmission that was executed by Mary A. Nicoloff on August 4, 2005, when she transmitted the issue fee to the USPTO by facsimile. A photocopy of the Issue Fee Transmittal form (PTOL-85) authorizing payment of the issue fee and which includes the Certificate of Mailing or Transmission executed by Mary A. Nicoloff is attached hereto as Exhibit A.

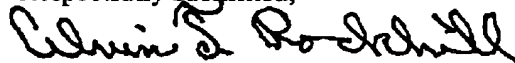
The Applicants received an "AUTO-REPLY FACSIMILE TRANSMISSION" from the USPTO in confirmation that the facsimile transmission of the Issue Fee Transmittal form had been received by the USPTO at 9:53:49 AM (Eastern Daylight Time) on 8/4/2005. A photocopy of the AUTO-REPLY FACSIMILE TRANSMISSION is attached hereto as Exhibit B. The facsimile confirmation receipt from the facsimile machine of the attorney for the Applicants showing that the facsimile transmission was received at 571-273-2885 (the USPTO facsimile number for issue fee payments) on 8/4/2005 is also attached hereto as Exhibit C as further evidence that the issue fee was paid in a timely manner.

As still further evidence that the issue fee for the subject patent application was paid in a timely manner, Mary A. Nicoloff has signed an affidavit that she executed the Certificate of Mailing or Transmission for the Issue Fee Transmittal and filed it in the USPTO on August 4, 2005 by facsimile transmission. The Affidavit of Mary A. Nicoloff is being submitted herewith as Exhibit D.

Acknowledgement that this petition has been properly received and that the subject patent application will now be issued as a United States patent is respectfully requested.

It is not believed that any fees are required for filing this petition. However, the Commissioner is authorized to deduct any fees that may be required from Deposit Account No. 07-1725.

Respectfully submitted,



Attorney for Applicant(s)

Alvin T Rockhill, Reg. No. 30,417
The Goodyear Tire & Rubber Company
1144 E. Market Street, D/823
Akron, Ohio 44316-0001
Telephone: (330) 666-4659

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EXHIBIT A

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Block 1 for any change of address)

7590

06/08/2005

The Goodyear Tire & Rubber Company
Patent & Trademark Department-D/823
1144 East Market Street
Akron, OH 44316-0001

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Mary A. Nicoloff
(Depositor's name)
August 4, 2005
(Date)

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/669,223 | 09/24/2003 | Michael Lester Kerns | DN2002-053 | 2161 |

TITLE OF INVENTION: SYNTHESIS OF FUNCTIONALIZED HIGH VINYL RUBBER

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEES DUE | DATE DUE |
|----------------|--------------|----------------|-----------------|----------------|------------|
| nonprovisional | NO | \$1400 | \$300 | \$1700 | 09/08/2005 |
| EXAMINER | ART UNIT | CLASS-SUBCLASS | | | |
| LI, C CADIA | 1713 | 526-338000 | | | |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" Indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Alvin T. Rockhill

2.

3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If no assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

The Goodyear Tire & Rubber Company

Akron, Ohio

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 01-1225 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.
 NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Alvin T. Rockhill

Date

August 4, 2005

Typed or printed name

Alvin T. Rockhill

Registration No.

30,417

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTOL-85 (Rev. 12/04) Approved for use through 04/30/2007.

OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

EXHIBIT B

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.6(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

PAGE 4/6 * RCVD AT 10/4/2005 2:07:24 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/32 * DNIS:2738300 * CSID:330 666 7391 * DURATION (mm:ss):02:48

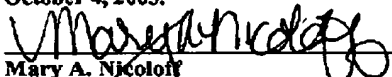


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EXHIBIT D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | Docket No. DN2002-053 |
| Michael Lester Kerns, et al |) | Art Unit: 1713 |
| For: SYNTHESIS OF FUNCTIONALIZED |) | Examiner: C. Caixia Lu |
| HIGH VINYL RUBBER |) | |
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Commissioner for Patents
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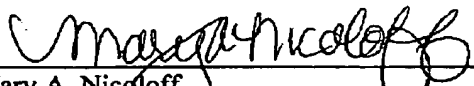
AFFIDAVIT

Mary A. Nicoloff, being first duly sworn, deposes and says:

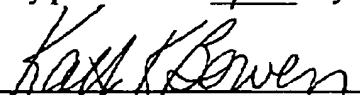
(1) I am currently employed as a paralegal by Alvin T. Rockhill, the Attorney for the Applicants in the above-captioned patent application.

(2) I filed the Issue Fee Transmittal for United States Patent Application Serial No. 10/669,223 by facsimile, transmitting it to the USPTO (telephone number: (571) 273-2885) on August 4, 2005. I signed the Certificate of Mailing or Transmission on the Issue Fee Transmittal Form on August 4, 2005 in affirmation of the fact that it was sent to the USPTO by facsimile on that date. I have reviewed the Issue Fee Transmittal Form being identified as Exhibit A and acknowledge that it is my signature on the Certificate of Mailing or Transmission provided thereon.

Further affiant sayeth not.


Mary A. Nicoloff

Sworn to before me and subscribed in my presence this 4th day of October, 2005.


Kathleen K. Bowen, Notary Public
(My Commission does not expire)